



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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DEPUTY COMM. FOR OPERATIONS
& MGT. SVCS.

Honorable Richard Mills
Commissioner of Education
New York State Education Department
111 Education Building
89 Washington Ave.
Albany, New York 12234

Dear Commissioner Mills:

This is to inform you that we have conditionally approved New York's application for Federal Fiscal Year (FFY) 2007 under Part B of the Individuals with Disabilities Education Act (IDEA). Our conditional approval is based on review of your application submitted by the New York State Education Department to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 4, 2007, including assurances provided in Section II, and incorporated by reference to this letter as noted in Enclosure A. In addition, the State provided specific assurances that it will:

1. Operate consistent with the applicable Part B regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of Part B of the IDEA, as amended, as soon as possible, and not later than June 30, 2008. Section II of the State's application identifies the IDEA statutory sections for which the State needs to amend policies and procedures and the timelines by which the State will amend its policies and procedures in order to comply with Part B of the IDEA. Within Section II, the State has included the date by which it expects to complete necessary changes associated with any policies and procedures that are not yet in compliance with the requirements of Part B of the IDEA, as amended.

With its application, New York submitted an amendment to section 19.5 of the Rules of the Board of Regents and amendments to sections 200.1, 200.4 and 200.7 and addition of a new section 200.22 of the Regulations of the Commissioner of Education, relating to behavioral interventions. We have reviewed these amendments and new regulations and believe they can be implemented consistent with IDEA.

Enclosed are grant awards for funds currently available under the Department of Education FFY 2007 Appropriations Act for the Part B Section 611 (Grants to States) and Section 619 (Preschool Grants) programs. These funds are for use primarily in school year 2007-2008 and are available for obligation by States from July 1, 2007 through September 30, 2009.

Please note that as part of your application for FFY 2007, your State has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by the State, after OSEP approval, to information that is a part of a State's application, must meet the public participation requirements in 34 CFR §300.165.

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The amount in your award for Section 619 represents the full amount of funds to which you are entitled. However, the amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2007. Of the \$10,782,961,000 appropriated for Section 611 in FFY 2007, \$5,358,761,000 is available for awards on July 1, 2007, and \$5,424,200,000 will be available on October 1, 2007.

Under the Section 611 formula, subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities. At the level of the decrease in the appropriation for the Preschool Grant program compared to that for prior years, each State is first allocated the amount it received for FFY 1997. The remaining funds are allocated based on the relative amount of the increase in funding that the State received between FFYs 1997 and 2006, as compared to the total of such increases for all States.

Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations. Table II in Enclosure B shows your State-specific information for within-State distribution of 611 funds based on your State's application. If you disagree with the information in Enclosure B Table II, notify your State contact immediately.

Enclosure C provides a short description of how Section 619 funds were allocated and how those funds can be used. In addition, Table III in Enclosure C shows State-by-State funding levels for distribution of Section 619 funds.

Section 611(e)(1)(C) of the IDEA provides that "[p]rior to expenditure of funds under this paragraph [section 611(e)(1) concerning funds for State administration], the State shall certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) are current." We read this provision to mean that if a State does not have interagency agreements or other arrangements in place to establish responsibility for the provision of services, the State may not expend funds available to the State under section 611(e)(1) [State administration funds] until the State has these agreements or arrangements in place.

Under section 608(a)(2) of the IDEA, each State that receives funds under Part B is required to inform in writing local educational agencies located in the State of any State-imposed rule, regulation, or policy that is not required by IDEA or Federal regulations. A State may use the same list of State-imposed rules, regulations and policies that it was required to submit to the Department in Section IV of its Part B application for this purpose.

The enclosed grant award for FFY 2007 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part B.

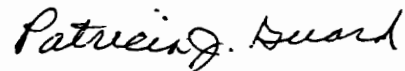
Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted

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under the IDEA. Therefore, by accepting this grant a State is expressly agreeing as a condition of IDEA funding to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

Enclosure C

cc: Dr. Rebecca Cort

Enclosure A

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
X		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
	6/30/07*	3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
	6/30/07*	4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.325. (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
		5. To the maximum extent appropriate, children with disabilities,

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
	6/30/07*	6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
	6/30/07*	7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
	6/30/07*	8. Agencies in the State comply with 34 CFR §§ 300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
		10. To the extent consistent with the number and location of children

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
	6/30/07*	with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
	6/30/07*	11. The State educational agency is responsible for ensuring that the requirements of Part B are met according to 34 CFR §300.149 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
X		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
X		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §300.163.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>
X		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		<p>Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or</p> <ul style="list-style-type: none"> • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		<p>23b.2 The State Educational Agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)</p>
X		<p>24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C. 1412(a)(24); 34 CFR §300.173)</p>
X		<p>25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.</p>

* The effective date of such rules may be delayed until July 19, 2007 because of the timelines required by the State Administrative Procedures Act and timetable for meetings of the Board of Regents.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State Educational Agency is providing the following certifications:

Yes	
X	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education. With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
	2. The State certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State

X	eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A); 34 CFR §300.154 are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement

I certify that the State of New York can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2008. (34 CFR §76.104)

I, the undersigned authorized official of the

New York State Education Department,

(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2007 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:	
Theresa E. Savo, Deputy Commissioner for Operations and Management Services	
Signature: <u>Theresa E. Savo</u>	Date: May 3, 2007

Enclosure B

IDEA Grants to States Program (Part B, Section 611)

Explanation of the FFY 2007 Allocation Table (Table 1)

Total Grant Award (Column A of Table I)

Column A includes your total grant award for FFY 2007. The amount that you have received in the accompanying grant award, plus the additional funds that you will receive in October 2007, will make up your total award amount.

State grants are calculated as follows: States are first provided an amount equal to the amount they received in FFY 1999. Of the funds in excess of the FFY 1999 level, 85% are allocated to States on the basis of their relative populations of children aged 3 through 21 who are the same age as children with disabilities for whom the State ensures the availability of FAPE and 15% on the relative populations of children of those ages who are living in poverty. The statute also contains a number of floors and ceilings below and above which a State's allocation may not fall. Most States' allocations are subject to one of these floors or ceilings.

Section 611 Base Allocation (Column B of Table I)

The amount shown in Column B is the portion of the local education agency (LEA) flow-through amount that must be distributed to LEAs based on the amounts that the LEAs would have received from FFY 1999 funds had the State education agency (SEA) flowed through 75% of the State award to LEAs. Note that this amount is less than the minimum amount that States were required to provide to LEAs from FFY 1999 funds. The Part B regulations clarify how adjustments to the base payment amounts for LEAs are made.

Maximum Set-aside Available for Administration (Column C of Table I)

Column C includes the maximum State set-aside amount for administration. Before the IDEA was amended by the Individuals with Disabilities Education Improvement Act of 2004, the maximum set-aside for administration was taken as a percentage of the amount available for State-level activities. The maximum amount available for administration is now calculated separately from the amount for other State-level activities. States may reserve not more than the greater of the maximum amount the State was eligible to reserve for State administration for fiscal year 2004 or \$800,000, as adjusted for inflation based on the Consumer Price Index For All Urban Consumers (CPIU), published by the Bureau of Labor Statistics of the Department of Labor. The maximum amount available for administration for each State for FFY 2007 is an increase of about 1.31% over the maximum amount that was available for FFY 2006.

Each Outlying Area may reserve for each fiscal year not more than 5% of the amount the outlying area receives under this program or \$35,000, whichever is greater.

Maximum Set-aside Available for Other State-level Activities (Columns D - G of Table I)

The maximum level of funding that may be set aside from a State's total allocation for State-level activities, other than administration, is contingent upon the amount that the State actually sets aside for administration and whether the State opts to establish a LEA high-risk pool under IDEA, section 611(e)(3). For FFY 2007:

- (1) If the actual amount a State will set aside for State administration is over \$850,000 and the State will use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 10.0% of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (2) If the actual amount a State will set aside for State administration is over \$850,000 and the State will not use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 9.0% of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (3) If the actual amount a State will set aside for State administration is \$850,000 or less and the State will use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 10.5% of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (4) If the actual amount a State will set aside for State administration is \$850,000 or less and the State will not use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 9.5% of its FFY 2006 award as adjusted for inflation based on the CPIU.

SEAs are required to use some portion of these State set-aside funds on monitoring, enforcement, and complaint investigation and to establish and implement the mediation process required by Part B, section 615(e), including providing for the costs of mediators and support personnel. In addition, States setting aside funds for a risk pool, as provided for under section 611(e)(3), must reserve at least 10% of the amount the State reserved for State-level activities for the risk pool.

SEAs also may use State set-aside funds: (1) for support and direct services, including technical assistance, personnel preparation, and professional development and training; (2) to support paperwork reduction activities, including expanding the use of technology in the individualized education program process; (3) to assist LEAs in providing positive behavioral interventions and supports and mental health services to children with disabilities; (4) to improve the use of technology in the classroom by children with disabilities to enhance learning; (5) to support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities; (6) for development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to post-secondary activities; (7) to assist LEAs in meeting personnel shortages; (8) to support capacity building activities and improve the delivery of services by LEAs to improve results for children with disabilities; (9) for alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, enrolled in State-operated or State-supported schools, and in charter schools; (10) to

support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with sections 1111(b) and 6111 of the Elementary and Secondary Education Act (ESEA) of 1965; and, (11) to provide technical assistance to schools and LEAs, and direct services, including supplemental educational services as defined in section 1116(e) of the ESEA of 1965 to children with disabilities, in schools or LEAs identified for improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under section 1111(b)(2)(G) of the ESEA of 1965.

Section 611 Population/Poverty

The minimum amount that a State must flow through to LEAs based on population/poverty equals the total award (Column A) minus the LEA base allocation (Column B), the maximum amount available for administration (Column C), and the maximum amount available for other State-level activities (Column D, E, F, or G). Of this amount, 85% is distributed on a pro rata basis to LEAs according to public and private elementary and secondary school enrollment, and 15% on a pro rata basis to LEAs according to the number of children in LEAs living in poverty, as determined by the State.

TABLE I

FISCAL YEAR 2007 ALLOCATIONS
GRANTS TO STATES

INDIVIDUALS WITH DISABILITIES EDUCATION ACT - PART B, SECTION 811

	Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I
	Grant Award	LEA Base Allocation	Maximum Available for Administration	Maximum Other Set-Aside If ACTUAL Administration Greater than \$850,000 With Risk Pool	Maximum Other Set-Aside If ACTUAL Administration Greater than \$850,000 Without Risk Pool	Maximum Other Set-Aside If ACTUAL Administration Equal or Less than \$850,000 With Risk Pool	Maximum Other Set-Aside If ACTUAL Administration Equal or Less than \$850,000 Without Risk Pool	July 1 to 30-Sep Awards	Awards After 1-Oct
TOTAL	\$10,782,961,000	\$3,156,946,901	\$202,631,301	\$1,037,838,885	\$952,054,981	\$1,110,730,006	\$1,004,946,921	\$5,336,761,000	\$5,424,200,000
Alabama	170,485,753	51,783,442	3,262,045	16,922,254	15,264,029	17,631,367	16,132,141	83,903,086	86,562,887
Alaska	33,551,635	9,185,518	872,649	3,287,514	2,968,763	3,451,890	3,123,139	16,512,142	17,039,493
Arizona	187,830,181	48,947,295	2,865,381	18,444,828	14,800,163	17,286,857	15,622,395	82,598,140	85,234,021
Arkansas	105,159,110	30,654,885	1,862,614	10,475,002	9,427,502	10,996,752	9,951,252	51,753,132	53,405,976
California	1,190,175,848	322,428,031	19,817,591	114,570,151	103,113,135	120,298,656	108,841,641	586,048,342	584,128,908
Colorado	141,994,060	38,914,504	2,400,421	13,927,577	12,534,819	14,623,956	13,231,197	69,861,130	72,112,930
Connecticut	124,651,626	39,795,054	2,568,516	12,416,872	11,175,004	13,037,505	11,795,838	61,346,203	63,305,423
Delaware	30,749,960	7,700,131	872,649	3,012,998	2,711,898	3,183,848	2,782,346	15,133,333	15,816,847
Florida	590,329,486	179,007,602	10,843,951	58,803,303	52,922,973	61,743,469	55,853,138	280,525,477	296,804,019
Georgia	285,042,992	60,774,870	4,740,945	28,909,414	26,016,473	30,354,885	27,463,944	145,202,817	149,840,175
Hawaii	37,427,200	10,117,364	872,649	3,728,161	3,355,344	3,914,588	3,541,752	16,419,488	19,007,732
Idaho	50,897,484	14,269,101	872,649	5,086,954	4,562,059	5,322,401	4,815,508	25,043,633	25,643,861
Illinois	474,780,011	143,798,830	8,865,334	47,284,301	42,960,016	50,859,016	44,928,588	233,663,734	241,126,277
Indiana	239,748,589	78,098,114	2,865,133	23,681,893	21,113,440	24,273,941	22,091,951	117,590,854	121,756,934
Iowa	114,455,809	30,796,117	1,859,421	9,978,522	8,978,522	10,002,096	9,480,548	56,328,421	58,127,368
Kansas	100,184,848	30,399,450	2,856,601	14,740,449	13,116,402	14,830,730	13,794,453	72,827,132	75,153,019
Kentucky	147,980,151	45,034,168	1,093,625	17,676,372	15,900,546	18,303,730	16,794,453	87,342,328	90,131,780
Louisiana	177,474,116	57,921,866	3,514,736	16,898,271	14,828,444	16,833,186	15,464,551	25,246,694	26,053,207
Maine	51,300,101	16,493,666	831,909	28,509,849	23,858,884	27,835,131	25,184,167	92,381,278	95,331,689
Massachusetts	286,131,719	85,985,027	6,501,778	37,408,144	33,607,329	36,276,552	33,537,737	130,974,416	135,157,361
Michigan	375,542,353	107,923,610	3,400,322	17,728,895	15,954,208	18,613,240	16,840,550	184,819,871	190,722,482
Minnesota	177,961,249	55,057,097	2,196,673	11,113,440	10,002,096	11,689,112	10,557,788	87,582,066	90,379,183
Mississippi	111,566,419	32,007,733	2,196,673	11,113,440	10,002,096	11,689,112	10,557,788	87,582,066	90,379,183
Missouri	212,961,229	68,320,182	4,220,371	21,213,278	19,091,951	22,273,941	20,192,614	104,808,996	106,154,231
Montana	34,571,807	9,746,203	872,649	3,432,124	3,090,912	3,603,518	3,280,518	17,014,211	17,957,996
Nebraska	70,004,541	22,507,423	1,339,617	6,973,221	6,275,899	7,321,862	6,824,580	34,452,120	35,552,421
Nevada	83,115,797	17,276,374	1,006,621	6,184,321	5,585,869	6,493,536	5,875,105	31,061,685	32,053,912
New Hampshire	44,991,679	14,382,853	867,502	4,431,880	3,968,874	4,653,453	4,210,287	22,595,490	23,099,830
New Jersey	339,873,593	108,952,520	8,786,897	33,755,533	30,379,980	35,443,309	32,087,798	166,773,863	172,099,830
New Mexico	85,444,520	27,026,021	1,850,176	8,511,213	7,690,092	8,938,774	8,085,652	42,050,770	43,393,750
New York	171,691,639	224,098,730	13,865,389	70,692,307	63,803,078	74,436,922	67,347,691	350,252,780	381,438,649
North Carolina	296,208,386	66,734,091	5,160,915	29,219,571	26,207,915	30,800,550	27,756,583	146,780,638	151,447,748
North Dakota	24,968,615	6,935,722	872,649	2,446,516	2,201,886	2,568,844	2,324,192	12,288,085	12,860,530
Ohio	410,347,509	119,359,351	7,590,360	40,875,120	36,787,688	42,918,878	38,631,364	201,948,923	208,398,586
Oklahoma	138,669,447	41,536,213	2,478,421	13,813,000	12,431,701	14,503,851	13,122,350	66,244,950	70,424,497
Oregon	120,909,370	36,242,655	2,141,359	12,043,901	10,839,612	12,846,097	11,441,708	59,504,485	61,404,865
Pennsylvania	400,450,268	117,400,583	7,237,341	39,889,246	35,900,321	41,883,709	37,894,784	197,076,082	203,372,186
Rhode Island	40,997,821	13,181,383	872,649	4,083,633	3,675,450	4,288,025	3,979,641	20,176,718	20,821,103
South Carolina	184,211,006	51,356,930	3,046,849	16,387,220	14,721,488	17,175,081	15,539,390	80,815,005	83,398,003
South Dakota	23,744,116	6,143,124	872,649	2,914,440	2,622,996	3,060,161	2,768,717	14,838,305	15,105,811
Tennessee	216,838,925	66,322,917	4,211,234	21,776,839	19,800,955	22,687,760	20,889,897	107,691,227	111,037,696
Texas	903,726,489	252,432,654	15,505,139	66,986,290	60,987,862	69,485,805	65,468,976	444,761,054	466,965,435
Utah	100,055,066	28,322,890	1,809,806	9,981,005	8,984,904	10,459,055	9,462,954	50,813,845	52,103,911
Vermont	24,074,512	6,590,941	872,649	2,336,910	2,123,019	2,478,856	2,240,968	11,646,060	12,226,452
Virginia	264,037,481	79,717,764	4,657,175	26,303,026	23,872,723	27,816,178	24,987,875	128,953,570	134,103,911
Washington	207,507,426	59,185,558	3,594,921	20,870,019	18,803,017	21,703,520	19,036,519	102,122,958	105,364,470
West Virginia	71,199,760	22,091,709	1,523,534	7,092,260	6,393,053	7,446,694	6,737,666	36,159,434	38,159,434
Wisconsin	185,173,313	60,304,653	3,706,353	19,441,408	17,467,268	20,413,478	18,468,336	96,052,832	99,120,461
Wyoming	25,258,549	6,914,550	872,649	2,474,731	2,227,258	2,568,466	2,350,964	12,426,769	12,826,760
District of Columbia	18,461,181	4,222,848	872,649	1,814,945	1,590,892	1,890,892	1,436,197	7,609,064	7,852,097
Puerto Rico	22,590,867	26,086,568	1,847,260	10,032,236	9,047,013	10,954,846	9,546,625	50,489,184	52,101,873
Department of the Interior	87,432,696		3,487,316					87,432,696	
Offlying Areas	33,409,029		1,670,452					3,052,461	3,149,947
American Samoa	6,202,408		310,120					6,768,189	6,984,346
Guam	13,752,635		867,627					2,316,565	2,392,645
Northern Mariana Islands	4,713,210		235,061					4,301,745	4,438,131
Virgin Islands	6,740,978		437,044					3,341,356	3,341,356
Freely Associated States	6,579,306								
Technical Assistance	15,000,000							15,000,000	

NOTE: The minimum total amount that a State must pass on to LEAs (excluding funds in a risk pool) is the amount in Column A less the amount in Column G and less the amount in either Column D, E, F, or G.
10 Percent of the amount ACTUALLY set aside from Columns D or F must be used for a risk pool.

TABLE II

New York

ADMINISTRATION - Amount Set Aside

\$13,865,389

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

a. \$13,865,389

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b. \$0

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities.

For support and direct services, including technical assistance, personnel preparation, and professional development and training.

c. \$0

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

d. \$0

To assist local educational agencies in meeting personnel shortages.

e. \$0

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

f. \$0

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g. \$0

OTHER STATE-LEVEL ACTIVITIES - Amount Set Aside

\$63,803,076

Required Activities:

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h. \$7,655,345

To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)

i. \$360,000

Optional Authorized Activities:

For support and direct services, including technical assistance, personnel preparation, and professional development and training

j. \$33,624,486

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

k. \$4,307,310

To assist local educational agencies in meeting personnel shortages.

l. \$2,352,000

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

m. \$5,151,150

To support paperwork reduction activities, including expanding the use of technology in the IEP process.

n. \$0

To improve the use of technology in the classroom by children with disabilities to enhance learning.

o. \$260,000

To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.

p. \$500,000

Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.

q. \$130,000

Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.

r. \$233,362

To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.

s. \$3,634,423

To provide technical assistance to schools and LEAs, and direct services, including supplemental educational services as defined in Section 1116(a) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under Section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under Section 1111(b)(2)(G) of the Elementary and Secondary Education Act of 1965.

t. \$5,595,000

To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund.

u. \$0

To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C.

1411(e)(3) and no more than 5% of the amount reserved



U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

1	RECIPIENT NAME: NY STATE EDUCATION DEPARTMENT 111 EDUCATION BUILDING 89 WASHINGTON AVENUE ALBANY, NY 12234	5	AWARD INFORMATION PR/AWARD NUMBER H027A070104 ACTION NUMBER 01 ACTION TYPE New AWARD TYPE Formula																				
2	PROJECT DESCRIPTION 84.027A STATE GRANTS	6	AWARD PERIODS BUDGET PERIOD 07/01/2007 - 09/30/2008 FEDERAL FUNDING PERIOD 07/01/2007 - 09/30/2008																				
3	EDUCATION STAFF RECIPIENT STATE DIRECTOR REBECCA CORT (518) 474 - 2714 EDUCATION PROGRAM CONTACT Ruth E. Ryder (202) 245 - 7629 EDUCATION PAYMENT CONTACT GAPS PAYEE HOTLINE (888) 336 - 8930	7	AUTHORIZED FUNDING CURRENT AWARD AMOUNT \$350,252,790.00 PREVIOUS CUMULATIVE AMOUNT \$0.00 CUMULATIVE AMOUNT \$350,252,790.00																				
4	KEY PERSONNEL N/A	8	ADMINISTRATIVE INFORMATION DUNS/SSN 806782173 REGULATIONS CFR PART 300 EDGAR AS APPLICABLE ATTACHMENTS F																				
9	LEGISLATIVE AND FISCAL DATA AUTHORITY: PL 108-446 INDIVIDUALS WITH DISABILITIES EDUCATION ACT PROGRAM TITLE: SPECIAL EDUCATION - GRANTS TO STATES CFDA/SUBPROGRAM NO: 84.027A <table border="1"><thead><tr><th>FUND CODE</th><th>FUNDING YEAR</th><th>AWARD YEAR</th><th>ORG. CODE</th><th>CATEGORY</th><th>LIMITATION</th><th>ACTIVITY</th><th>CFDA</th><th>OBJECT CLASS</th><th>AMOUNT</th></tr></thead><tbody><tr><td>0300M</td><td>2007</td><td>2007</td><td>EH000000</td><td>B</td><td>K90</td><td>000</td><td>027</td><td>4101A</td><td>350,252,790.00</td></tr></tbody></table>			FUND CODE	FUNDING YEAR	AWARD YEAR	ORG. CODE	CATEGORY	LIMITATION	ACTIVITY	CFDA	OBJECT CLASS	AMOUNT	0300M	2007	2007	EH000000	B	K90	000	027	4101A	350,252,790.00
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0300M	2007	2007	EH000000	B	K90	000	027	4101A	350,252,790.00														



U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

PR/AWARD NUMBER: H027A070104

RECIPIENT NAME: NY STATE EDUCATION DEPARTMENT

TERMS AND CONDITIONS

- (1) WHEN ISSUING STATEMENTS, PRESS RELEASES, REQUESTS FOR PROPOSALS, BID SOLICITATIONS, AND OTHER DOCUMENTS DESCRIBING THIS PROJECT OR PROGRAMS FUNDED IN WHOLE OR IN PART WITH FEDERAL MONEY, ALL GRANTEES RECEIVING FEDERAL FUNDS, INCLUDING BUT NOT LIMITED TO STATE AND LOCAL GOVERNMENTS, SHALL STATE CLEARLY:
 - 1) THE DOLLAR AMOUNT OF FEDERAL FUNDS FOR THE PROJECT,
 - 2) THE PERCENTAGE OF THE TOTAL COST OF THE PROJECT THAT WILL BE FINANCED WITH FEDERAL FUNDS, AND
 - 3) THE PERCENTAGE AND DOLLAR AMOUNT OF THE TOTAL COST OF THE PROJECT THAT WILL BE FINANCED BY NON-GOVERNMENTAL SOURCES.

AS OF 07/01/97, FEDERAL FISCAL YEAR (FFY) WILL REFER TO THE YEAR THE FUNDS WERE APPROPRIATED.

- (2) UNDER THE "TYDINGS AMENDMENT," SECTION 421(b) OF THE GENERAL EDUCATION PROVISIONS ACT, 20 U.S.C. 1225(b), ANY FUNDS THAT ARE NOT OBLIGATED AT THE END OF THE FEDERAL FUNDING PERIOD SPECIFIED IN BLOCK 6 SHALL REMAIN AVAILABLE FOR OBLIGATION FOR AN ADDITIONAL PERIOD OF 12 MONTHS.

Patricia J. Swad

AUTHORIZING OFFICIAL

7/1/07

DATE

EXPLANATION OF BLOCKS ON THE GRANT AWARD NOTIFICATION

Discretionary, Formula, and Block Grants

(See Block 5 of the Notification)

RECIPIENT NAME - The legal name of the recipient, name of the primary organizational unit that will undertake the funded activity, and the complete address of the recipient. The recipient is commonly known as the "grantee."

PROJECT TITLE AND CFDA NUMBER - Identifies the Catalog of Federal Domestic Assistance (CFDA) subprogram title and the associated subprogram number.

PROJECT STAFF - This block contains the names and telephone numbers of the U.S. Department of Education and recipient staff who are responsible for project direction and oversight.

***RECIPIENT PROJECT DIRECTOR** - The recipient staff person responsible for administering the project. This person represents the recipient to the U.S. Department of Education.

EDUCATION PROGRAM CONTACT - The U.S. Department of Education staff person responsible for the programmatic, administrative and business-management concerns of the Department.

EDUCATION PAYMENT CONTACT - The U.S. Department of Education staff person responsible for payments or questions concerning electronic drawdown and financial expenditure reporting.

KEY PERSONNEL - Name, title and percentage (%) of effort the key personnel identified devotes to the project.

AWARD INFORMATION - Unique items of information that identify this notification.

PR/AWARD NUMBER - A unique, identifying number assigned by the Department to each application. On funded applications, this is commonly known as the "grant number" or "document number."

ACTION NUMBER - A numeral that represents the cumulative number of steps taken by the Department to date to establish or modify the award through fiscal or administrative means. Action number "01" will always be "NEW AWARD"

ACTION TYPE - The nature of this notification (e.g., NEW AWARD, CONTINUATION, REVISION, ADMINISTRATIVE)

AWARD TYPE - The particular assistance category in which funding for this award is provided, i.e., DISCRETIONARY, FORMULA, or BLOCK.

AWARD PERIODS - Project activities and funding are approved with respect to three different time periods, described below:

BUDGET PERIOD - A specific interval of time for which Federal funds are being provided from a particular fiscal year to fund a recipient's approved activities and budget. The start and end dates of the budget period are shown.

PERFORMANCE PERIOD - The complete length of time the recipient is proposed to be funded to complete approved activities. A performance period may contain one or more budget periods.

***FUTURE BUDGET PERIODS** - The estimated remaining budget periods for multi-year projects and estimated funds the Department proposes it will award the recipient provided substantial progress is made by the recipient in completing approved activities, the Department determines that continuing the project would be in the best interest of the Government, Congress appropriates sufficient funds under the program, and the recipient has submitted a performance report that provides the most current performance information and the status of budget expenditures.

AUTHORIZED FUNDING - The dollar figures in this block refer to the Federal funds provided to a recipient during the award periods.

***THIS ACTION** - The amount of funds obligated (added) or de-obligated (subtracted) by this notification.

***BUDGET PERIOD** - The total amount of funds available for use by the grantee during the stated budget period to this date.

***PERFORMANCE PERIOD** - The amount of funds obligated from the start date of the first budget period to this date.

RECIPIENT COST-SHARE - The funds, expressed as a percentage, that the recipient is required to contribute to the project, as defined by the program legislation or regulations and/or terms and conditions of the award.

RECIPIENT NON-FEDERAL AMOUNT - The amount of non-federal funds the recipient must contribute to the project as identified in the recipient's application. When non-federal funds are identified by the recipient where a cost share is not a legislation requirement, the recipient will be required to provide the non-federal funds.

ADMINISTRATIVE INFORMATION - This information is provided to assist the recipient in completing the approved activities and managing the project in accordance with U.S. Department of Education procedures and regulations.

DUNS/SSN - A unique, identifying number assigned to each recipient for payment purposes. The number is based on either the recipient's assigned number from Dun and Bradstreet or the individual's social security number.

***REGULATIONS** - The parts of the Education Department General Administrative Regulations (EDGAR) and specific program regulations that govern the award and administration of this grant.

***ATTACHMENTS** - Additional sections of the Grant Award Notification that discuss payment and reporting requirements, explain Department procedures, and add special terms and conditions in addition to those established, and shown as clauses, in Block 10 of the award. Any attachments provided with a notification continue in effect through the project period until modified or rescinded by the Authorizing Official.

LEGISLATIVE AND FISCAL DATA - The name of the authorizing legislation for this grant, the CFDA title of the program through which funding is provided, and U.S. Department of Education fiscal information.

FUND CODE, FUNDING YEAR, AWARD YEAR, ORG. CODE, PROJECT CODE, OBJECT CLASS

- The fiscal information recorded by the U.S. Department of Education's Grant Administration and Payment System to track obligations by award.

AMOUNT - The amount of funds provided from a particular appropriation and project code. Some notifications authorize more than one amount from separate appropriations and/or project codes. The total of all amounts in this block equals the amount shown on the line, "THIS ACTION" (See "AUTHORIZED FUNDING" above (Block 7)).

TERMS AND CONDITIONS OF AWARD - Requirements of the award that are binding on the recipient.

***AUTHORIZING OFFICIAL** - The U.S. Department of Education official authorized to award Federal funds to the recipient, establish or change the terms and conditions of the award, and authorize modifications to the award.

FOR FORMULA AND BLOCK GRANTS ONLY:

(See also Blocks 1, 2, 5, 6, 8, 9 and 10 above)

EDUCATION STAFF - The U.S. Department of Education staff persons to be contacted for programmatic and payment questions.

AUTHORIZED FUNDING

CURRENT AWARD AMOUNT - The amount of funds that are obligated (added) or de-obligated (subtracted) by this action.

PREVIOUS CUMULATIVE AMOUNT - The total amount of funds awarded under the grant before this action.

CUMULATIVE AMOUNT - The total amount of funds awarded under the grant, this action included.

* This item differs or does not appear on formula and block grants.

Enclosure C

IDEA Preschool Grants Program (Part B, Section 619)

Explanation of the FFY 2007 Allocation Table (Table III)

Column A includes your total grant award for Federal Fiscal Year (FFY) 2007. In general, grants are calculated as follows: States are first provided an amount equal to the amount they received in FFY 1997. Of the funds in excess of the FFY 1997 level, 85% are allocated to the States on the basis of their relative population of children aged 3 through 5 and 15% on the relative population of children in this age range who are living in poverty. The statute also contains a number of floors and ceilings below and above which a State's allocation may not fall.

For fiscal year 2007, the final appropriation for the Preschool Grants program represents a small decrease below the amount for fiscal year 2006. Section 619(c)(3) of the Individuals with Disabilities Education Act specifies how funds are allocated under this program when the amount appropriated is less than for the prior fiscal year. At this level of decrease, the IDEA requires that each State first be allocated the amount it received for fiscal year 1997. The remaining funds are allocated based on the relative amount of the increase in funding that the State received between FFYs 1997 and 2006, as compared to the total of such increases for all States. The total State awards are shown in Column A.

Within the State allocation, the LEA base allocations (Column D) are the same as the amounts for FFY 2006. However, the population/poverty (Column E) and minimum flow through to LEAs (Column F) amounts are reduced slightly, reflecting the decrease in the appropriation for FFY 2007.

Column B indicates the maximum State set-aside (including funds for administration) and Column C indicates the maximum portion of the State set-aside amount that may be used for administration. State set-aside amounts are limited to the maximum amount that a State could set aside in the prior Federal fiscal year, plus an adjustment based on the lesser of the rate of inflation or the percentage increase in the SEA's allocation over the preceding Federal fiscal year. Since there was no percentage increase in the SEA's allocation over the preceding Federal fiscal year, the maximum amount available for the State set-aside is the same as the amount available for this purpose in FFY 2006, and the maximum amount available for administration is the same as the amount available for this purpose in FFY 2006. Administration funds may be used to administer this program or, at the State's discretion, for the administration of the Part C, Grants for Infants and Families program.

SEAs may use State set-aside funds for administration (limited to no more than 20% of the total allowable set-aside amount), and for: (1) support services (including establishing and implementing the mediation process required under 34 CFR §300.506), which may benefit children with disabilities younger than 3 or older than 5, as long as those services also benefit children with disabilities aged 3 through 5; (2) direct services for children with disabilities who are eligible for services under section 619; (3) activities at the State and local levels to meet the performance goals established by the State in their State Part B application; (4) supplementing other funds used to develop and implement a statewide coordinated services system designed to

improve results for children and families, including children with disabilities and their families (up to 1 percent of the amount received under this program); to provide early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under section 619 and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten; or (6) at the State's discretion, to continue service coordination or case management for families who receive services under Part C.

TABLE III

FISCAL YEAR 2007 ALLOCATIONS
PRESCHOOL GRANTS
INDIVIDUALS WITH DISABILITIES EDUCATION ACT - PART B, SECTION 619

	FY 2007 Allocations Estimates	Maximum State Set-Aside	Maximum Set-Aside for Administration	Base Payment for LEAs (1997 Flow-Through)	Allocation to LEAs Based on Population/Poverty Factors	Minimum Flow Through to LEAs
	\$380,751,000	\$94,318,102	\$18,863,620	\$270,038,253	\$16,394,645	\$286,432,898
ALABAMA	5,599,786	1,390,115	278,023	3,981,010	228,661	4,209,671
ALASKA	1,263,865	313,153	62,631	896,807	53,905	950,712
ARIZONA	5,378,592	1,313,568	262,714	3,756,686	308,338	4,065,024
ARKANSAS	5,362,909	1,336,368	267,274	3,827,091	199,450	4,026,541
CALIFORNIA	38,677,082	9,447,488	1,889,498	27,055,716	2,173,878	29,229,594
COLORADO	4,955,794	1,228,875	245,775	3,519,254	207,665	3,726,919
CONNECTICUT	4,903,638	1,221,924	244,385	3,499,346	182,368	3,681,714
DELAWARE	1,257,388	311,457	62,291	891,952	53,979	945,931
FLORIDA	18,482,472	4,585,902	917,180	13,133,108	763,462	13,896,570
GEORGIA	9,821,014	2,422,485	484,497	6,937,513	461,016	7,398,529
HAWAII	1,002,741	243,789	48,758	695,791	63,161	758,952
IDAHO	2,186,122	544,754	108,951	1,560,066	81,302	1,641,368
ILLINOIS	17,650,452	4,393,467	878,693	12,582,011	674,974	13,256,985
INDIANA	8,896,223	2,216,825	443,365	6,348,542	330,856	6,679,398
IOWA	3,990,542	994,392	198,878	2,847,740	148,410	2,996,150
KANSAS	4,332,784	1,079,674	215,935	3,091,971	161,139	3,253,110
KENTUCKY	10,210,755	2,544,390	508,878	7,286,622	379,743	7,666,365
LOUISIANA	6,479,599	1,609,847	321,969	4,610,280	259,472	4,869,752
MAINE	2,512,715	626,136	125,227	1,793,129	93,450	1,886,579
MARYLAND	6,673,966	1,659,864	331,973	4,753,517	260,585	5,014,102
MASSACHUSETTS	9,889,605	2,464,363	492,873	7,057,443	367,799	7,425,242
MICHIGAN	12,563,791	3,120,679	624,136	8,937,000	506,112	9,443,112
MINNESOTA	7,426,561	1,850,603	370,121	5,299,759	276,199	5,575,958
MISSISSIPPI	4,227,759	1,052,408	210,482	3,013,885	161,466	3,175,351
MISSOURI	6,013,301	1,482,517	296,503	4,245,633	285,151	4,530,784
MONTANA	1,184,868	292,482	58,496	837,596	54,790	892,386
NEBRASKA	2,256,430	561,370	112,274	1,607,650	87,410	1,695,060
NEVADA	2,249,894	554,695	110,939	1,583,373	111,826	1,695,199
NEW HAMPSHIRE	1,557,434	388,093	77,619	1,111,420	57,921	1,169,341
NEW JERSEY	11,374,918	2,834,484	566,897	8,117,395	423,039	8,540,434
NEW MEXICO	3,186,991	794,157	158,831	2,274,308	118,526	2,392,834
NEW YORK	33,742,306	8,407,828	1,681,566	24,078,334	1,256,144	25,334,478
NORTH CAROLINA	11,309,600	2,818,207	563,641	8,070,782	420,611	8,491,393
NORTH DAKOTA	816,499	199,129	39,826	561,294	56,076	617,370
OHIO	12,552,372	3,099,146	619,829	8,875,335	577,891	9,453,226
OKLAHOMA	3,655,256	896,225	179,245	2,566,608	192,423	2,759,031
OREGON	3,863,596	955,296	191,059	2,735,579	172,721	2,908,300
PENNSYLVANIA	13,977,053	3,474,862	694,972	9,951,311	550,880	10,502,191
RHODE ISLAND	1,671,061	416,407	83,281	1,192,506	62,148	1,254,654
SOUTH CAROLINA	7,138,751	1,778,885	355,777	5,094,371	265,495	5,359,866
SOUTH DAKOTA	1,464,899	365,034	73,007	1,045,385	54,480	1,099,865
TENNESSEE	6,889,672	1,711,067	342,213	4,900,152	278,453	5,178,605
TEXAS	22,953,696	5,591,325	1,118,265	16,012,434	1,349,937	17,362,371
UTAH	3,564,264	884,525	176,905	2,533,105	146,634	2,679,739
VERMONT	866,996	211,051	42,210	599,167	56,778	655,945
VIRGINIA	9,125,516	2,273,962	454,792	6,512,172	339,382	6,851,554
WASHINGTON	8,166,835	2,035,071	407,014	5,828,035	303,729	6,131,764
WEST VIRGINIA	3,482,965	867,910	173,582	2,485,521	129,534	2,615,055
WISCONSIN	9,469,800	2,359,753	471,951	6,757,860	352,187	7,110,047
WYOMING	1,059,920	259,767	51,953	743,860	56,293	800,153
DISTRICT OF COLUMBIA	247,636	60,605	12,121	168,485	18,546	187,031
PUERTO RICO	3,162,316	771,723	154,345	2,172,343	218,250	2,390,593
US Total		94,318,102	18,863,620	270,038,253	16,394,645	286,432,898

Note: These funds are provided through P.L. 110-5, Revised Continuing Appropriations Resolution, 2007.

Note: The allocations exclude the Outlying Areas, which have not received awards under this program since FY 1997.



U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

1 RECIPIENT NAME: NY STATE EDUCATION DEPARTMENT 111 EDUCATION BUILDING 89 WASHINGTON AVENUE ALBANY, NY 12234	5 AWARD INFORMATION PR/AWARD NUMBER H173A070110 ACTION NUMBER 01 ACTION TYPE New AWARD TYPE Formula																				
2 PROJECT DESCRIPTION 84.173A PART B	6 AWARD PERIODS BUDGET PERIOD 07/01/2007 - 09/30/2008 FEDERAL FUNDING PERIOD 07/01/2007 - 09/30/2008																				
3 EDUCATION STAFF RECIPIENT STATE DIRECTOR REBECCA CORT (518) 474 - 2714 EDUCATION PROGRAM CONTACT Ruth E. Ryder (202) 245 - 7629 EDUCATION PAYMENT CONTACT GAPS PAYEE HOTLINE (888) 336 - 8930	7 AUTHORIZED FUNDING CURRENT AWARD AMOUNT \$33,742,306.00 PREVIOUS CUMULATIVE AMOUNT \$0.00 CUMULATIVE AMOUNT \$33,742,306.00																				
4 KEY PERSONNEL N/A	8 ADMINISTRATIVE INFORMATION DUNS/SSN 806782173 REGULATIONS CFR PART 300 EDGAR AS APPLICABLE ATTACHMENTS F																				
9 LEGISLATIVE AND FISCAL DATA AUTHORITY: PL 108-446 INDIVIDUALS WITH DISABILITIES EDUCATION ACT PROGRAM TITLE: SPECIAL EDUCATION - PRESCHOOL GRANTS CFDA/SUBPROGRAM NO: 84.173A <table border="1"><thead><tr><th>FUND CODE</th><th>FUNDING YEAR</th><th>AWARD YEAR</th><th>ORG. CODE</th><th>CATEGORY</th><th>LIMITATION</th><th>ACTIVITY</th><th>CFDA</th><th>OBJECT CLASS</th><th>AMOUNT</th></tr></thead><tbody><tr><td>0300M</td><td>2007</td><td>2007</td><td>EH000000</td><td>B</td><td>K92</td><td>000</td><td>173</td><td>4101A</td><td>\$33,742,306.00</td></tr></tbody></table>		FUND CODE	FUNDING YEAR	AWARD YEAR	ORG. CODE	CATEGORY	LIMITATION	ACTIVITY	CFDA	OBJECT CLASS	AMOUNT	0300M	2007	2007	EH000000	B	K92	000	173	4101A	\$33,742,306.00
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0300M	2007	2007	EH000000	B	K92	000	173	4101A	\$33,742,306.00												



U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

PR/AWARD NUMBER: H173A070110

RECIPIENT NAME: NY STATE EDUCATION DEPARTMENT

TERMS AND CONDITIONS

- (1) WHEN ISSUING STATEMENTS, PRESS RELEASES, REQUESTS FOR PROPOSALS, BID SOLICITATIONS, AND OTHER DOCUMENTS DESCRIBING THIS PROJECT OR PROGRAMS FUNDED IN WHOLE OR IN PART WITH FEDERAL MONEY, ALL GRANTEES RECEIVING FEDERAL FUNDS, INCLUDING BUT NOT LIMITED TO STATE AND LOCAL GOVERNMENTS, SHALL STATE CLEARLY:

- 1) THE DOLLAR AMOUNT OF FEDERAL FUNDS FOR THE PROJECT,
- 2) THE PERCENTAGE OF THE TOTAL COST OF THE PROJECT THAT WILL BE FINANCED WITH FEDERAL FUNDS, AND
- 3) THE PERCENTAGE AND DOLLAR AMOUNT OF THE TOTAL COST OF THE PROJECT THAT WILL BE FINANCED BY NON-GOVERNMENTAL SOURCES.

AS OF 07/01/97, FEDERAL FISCAL YEAR (FFY) WILL REFER TO THE YEAR THE FUNDS WERE APPROPRIATED.

- (2) UNDER THE "TYDINGS AMENDMENT," SECTION 421(b) OF THE GENERAL EDUCATION PROVISIONS ACT, 20 U.S.C. 1225(b), ANY FUNDS THAT ARE NOT OBLIGATED AT THE END OF THE FEDERAL FUNDING PERIOD SPECIFIED IN BLOCK 6 SHALL REMAIN AVAILABLE FOR OBLIGATION FOR AN ADDITIONAL PERIOD OF 12 MONTHS.

Patricia J. Read

AUTHORIZING OFFICIAL

7/1/07

DATE

EXPLANATION OF BLOCKS ON THE GRANT AWARD NOTIFICATION

Discretionary, Formula, and Block Grants

(See Block 5 of the Notification)

RECIPIENT NAME - The legal name of the recipient, name of the primary organizational unit that will undertake the funded activity, and the complete address of the recipient. The recipient is commonly known as the "grantee."

OBJECT TITLE AND CFDA NUMBER - Identifies the Catalog of Federal Domestic Assistance (CFDA) subprogram title and the associated subprogram number.

OBJECT STAFF - This block contains the names and telephone numbers of the U.S. Department of Education and recipient staff who are responsible for project direction and oversight.

***RECIPIENT PROJECT DIRECTOR** - The recipient staff person responsible for administering the project. This person represents the recipient to the U.S. Department of Education.

EDUCATION PROGRAM CONTACT - The U.S. Department of Education staff person responsible for the programmatic, administrative and business-management concerns of the Department.

EDUCATION PAYMENT CONTACT - The U.S. Department of Education staff person responsible for payments or questions concerning electronic drawdown and financial expenditure reporting.

KEY PERSONNEL - Name, title and percentage (%) of effort the key personnel identified devotes to the project.

WARD INFORMATION - Unique items of information that identify this notification.

PR/AWARD NUMBER - A unique, identifying number assigned by the Department to each application. On funded applications, this is commonly known as the "grant number" or "document number."

ACTION NUMBER - A numeral that represents the cumulative number of steps taken by the Department to date to establish or modify the award through fiscal or administrative means. Action number "01" will always be "NEW AWARD"

ACTION TYPE - The nature of this notification (e.g., NEW AWARD, CONTINUATION, REVISION, ADMINISTRATIVE)

AWARD TYPE - The particular assistance category in which funding for this award is provided, i.e., DISCRETIONARY, FORMULA, or BLOCK.

WARD PERIODS - Project activities and funding are approved with respect to three different time periods, described below:

BUDGET PERIOD - A specific interval of time for which Federal funds are being provided from a particular fiscal year to fund a recipient's approved activities and budget. The start and end dates of the budget period are shown.

PERFORMANCE PERIOD - The complete length of time the recipient is proposed to be funded to complete approved activities. A performance period may contain one or more budget periods.

***FUTURE BUDGET PERIODS** - The estimated remaining budget periods for multi-year projects and estimated funds the Department proposes it will award the recipient provided substantial progress is made by the recipient in completing approved activities, the Department determines that continuing the project would be in the best interest of the Government, Congress appropriates sufficient funds under the program, and the recipient has submitted a performance report that provides the most current performance information and the status of budget expenditures.

AUTHORIZED FUNDING - The dollar figures in this block refer to the Federal funds provided to a recipient during the award periods.

***THIS ACTION** - The amount of funds obligated (added) or de-obligated (subtracted) by this notification.

***BUDGET PERIOD** - The total amount of funds available for use by the grantee during the stated budget period to this date.

***PERFORMANCE PERIOD** - The amount of funds obligated from the start date of the first budget period to this date.

RECIPIENT COST-SHARE - The funds, expressed as a percentage, that the recipient is required to contribute to the project, as defined by the program legislation or regulations and/or terms and conditions of the award.

RECIPIENT NON-FEDERAL AMOUNT - The amount of non-federal funds the recipient must contribute to the project as identified in the recipient's application. When non-federal funds are identified by the recipient where a cost share is not a legislation requirement, the recipient will be required to provide the non-federal funds.

ADMINISTRATIVE INFORMATION - This information is provided to assist the recipient in completing the approved activities and managing the project in accordance with U.S. Department of Education procedures and regulations.

DUNS/SSN - A unique, identifying number assigned to each recipient for payment purposes. The number is based on either the recipient's assigned number from Dun and Bradstreet or the individual's social security number.

***REGULATIONS** - The parts of the Education Department General Administrative Regulations (EDGAR) and specific program regulations that govern the award and administration of this grant.

***ATTACHMENTS** - Additional sections of the Grant Award Notification that discuss payment and reporting requirements, explain Department procedures, and add special terms and conditions in addition to those established, and shown as clauses, in Block 10 of the award. Any attachments provided with a notification continue in effect through the project period until modified or rescinded by the Authorizing Official.

LEGISLATIVE AND FISCAL DATA - The name of the authorizing legislation for this grant, the CFDA title of the program through which funding is provided, and U.S. Department of Education fiscal information.

FUND CODE, FUNDING YEAR, AWARD YEAR, ORG. CODE, PROJECT CODE, OBJECT CLASS

- The fiscal information recorded by the U.S. Department of Education's Grant Administration and Payment System to track obligations by award.

AMOUNT - The amount of funds provided from a particular appropriation and project code. Some notifications authorize more than one amount from separate appropriations and/or project codes. The total of all amounts in this block equals the amount shown on the line, "THIS ACTION" (See "AUTHORIZED FUNDING" above (Block 7)).

TERMS AND CONDITIONS OF AWARD - Requirements of the award that are binding on the recipient.

***AUTHORIZING OFFICIAL** - The U.S. Department of Education official authorized to award Federal funds to the recipient, establish or change the terms and conditions of the award, and authorize modifications to the award.

FORMULA AND BLOCK GRANTS ONLY:

(also Blocks 1, 2, 5, 6, 8, 9 and 10 above)

EDUCATION STAFF - The U.S. Department of Education staff persons to be contacted for programmatic and payment questions.

AUTHORIZED FUNDING

CURRENT AWARD AMOUNT - The amount of funds that are obligated (added) or de-obligated (subtracted) by this action.

PREVIOUS CUMULATIVE AMOUNT - The total amount of funds awarded under the grant before this action.

CUMULATIVE AMOUNT - The total amount of funds awarded under the grant, this action included.

This item differs or does not appear on formula and block grants.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER FOR OPERATIONS
AND MANAGEMENT SERVICES
Tel. (518) 474-2547
Fax (518) 473-2827
E-mail: tsavo@mail.nysed.gov

May 3, 2007

United States Department of Education
ATTN: Janet Scire, Mail Stop 2600
7100 Old Landover Road
Landover, MD 20785-1506

Dear Ms. Scire:

Enclosed is the New York State Education Department's (NYSED) Annual State Application Under Part B of the Individuals with Disabilities Education Act (IDEA) for Federal Fiscal Year 2007. This application was posted on the NYSED website for review by the general public for 60 days beginning on February 16, 2007. Comments were accepted for at least 30 days until April 3, 2007. In addition, the Department conducted public meetings in May 2006 and April 2007 on proposed changes to State law and regulations to implement the requirements of IDEA Part B. These meetings provided interested parties an opportunity to participate pursuant to the public hearing and related requirements at 34 CFR §§300.165 (for Part B) and §441(b)(7) of GEPA (20 USC 1232(b)(7)(B)).

If you have any questions regarding this submission, please contact Deputy Commissioner Rebecca H. Cort at (518) 474-2714.

Sincerely,

Theresa E. Savo

Enclosure

c: Rebecca H. Cort
James P. DeLorenzo
Patricia J. Geary
Lois Taylor
Michael Slade

OMB NO. 1820-0030
Expires: 08/31/2009

NYS Education Department

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2007**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS
Washington, DC 20202-2600**

New York
State**Section I****A. Submission Statement for Part B of IDEA**

Please select 1 or 2 below. Check 3 if appropriate.

- ☐ 1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
- ☒ 2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2008. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

- ☒ 3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

Amendment to section 19.5 of the Rules of the Board of Regents and amendments to sections 200.1, 200.4 and 200.7 and addition of a new section 200.22 of the Regulations of the Commissioner of Education, relating to behavioral interventions - Effective on an emergency basis on 1/16/07 and on a permanent basis on 1/31/07

See: <http://www.vesid.nysed.gov/specialed/behavioral/proposedterms1106.htm>

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- ☐ a. Section II.A provides documentation of completion of all issues identified in the FFY 2006 conditional approval letter.
- ☒ b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2006 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- ☐ a. The State previously submitted documentation of completion of all issues identified in the FFY 2006 conditional approval letter.
- ☐ b. The State is attaching documentation of completion of all issues identified in the FFY 2006 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- ☐ c. The State has not completed all issues identified in the FFY 2006 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

New York
State**Section II****A. Assurances Related to Policies and Procedures**

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
X		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
	6/30/07*	3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
	6/30/07*	4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.325. (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
X		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR

New York
State

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		§§300.114-300.120.
	6/30/07*	6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
	6/30/07*	7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
	6/30/07*	8. Agencies in the State comply with 34 CFR §§ 300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
	6/30/07*	10. To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
	6/30/07*	11. The State educational agency is responsible for ensuring that the requirements of Part B are met according to 34 CFR §300.149 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608.

New York
State

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		(20 U.S.C. 1412(a)(11); 34 CFR §300.149)
X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
X		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
X		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.

New York
State

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
X		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §300.163.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. (Note: Check either "23b.1" or "23b.2" whichever applies.
X		23b.1 The State educational agency coordinates with the National Instructional

New York
State

Check and enter date(s) as applicable		Assurances Related to Policies and Procedures
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		<p>Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		<p>23b.2 The State Educational Agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)</p>
X		<p>24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)</p>
X		<p>25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.</p>

* The effective date of such rules may be delayed until July 19, 2007 because of the timelines required by the State Administrative Procedures Act and timetable for meetings of the Board of Regents.

New York
State**B. Other Assurances**

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State Educational Agency is providing the following certifications:

Yes	
X	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education. With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
X	2. The State certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A); 34 CFR §300.154 are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

New York
State

D. Statement

I certify that the State of New York can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2008. (34 CFR §76.104)

I, the undersigned authorized official of the

New York State Education Department,

(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2007 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

Theresa E. Savo, Deputy Commissioner for Operations and Management Services

Signature:

Theresa E. Savo

Date:

May 3, 2007

New York

PROBABLE AWARD AMOUNT

\$711,691,639

ADMINISTRATION

Maximum Available for Administration.

\$13,865,389

Sec.
III

How much do you want to set aside for Administration in dollars?

\$13,865,389 OK

You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:

For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)

a. \$13,865,389

For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.

b. \$0

You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration funds that you may use for these 4 activities is:
\$1,154,304

For support and direct services, including technical assistance, personnel preparation, and professional development and training.

c. \$0

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

d. \$0

To assist local educational agencies in meeting personnel shortages.

e. \$0

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

f. \$0

Subtotal, Administration funds used for Other State-Level Activities

\$0

OK

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g. \$0

The total of details for your Administration set-aside is

\$13,865,389 OK

OTHER STATE-LEVEL ACTIVITIES

If you propose to set aside more than \$850,000 for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:
Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

\$70,892,307

If you propose to set aside more than \$850,000 for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$63,803,076

If you propose to set aside \$850,000 or less for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$74,436,922

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside \$850,000 or less for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$67,347,691

Do you wish to use funds for a High Cost Fund? (Yes or No)

No

Based on the amount that you intend to set aside for Administration, the size of your total award, and your decision NOT TO use set aside funds to support a High Cost Fund, the maximum that you may use for Other State-Level Activities is:

\$63,803,076

How much do you want to set aside for Other State-Level Activities?

\$63,803,076 OK

You must distribute the amount you want to set aside for Other State-Level Activities the following activities. The You can distribute amounts in any order you wish. The total balance remaining to be distributed at any time appears in red.

Leave Blank

Required Activities:

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h. \$7,655,345

\$0 More needs to be distributed.

To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)

i. \$360,000

\$0 More needs to be distributed.

Optional Authorized Activities:

For support and direct services, including technical assistance, personnel preparation, and professional development and training

j. \$33,624,486

\$0 More needs to be distributed.

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

k. \$4,307,310

\$0 More needs to be distributed.

\$0 More needs to be distributed.

To assist local educational agencies in meeting personnel shortages.	l. <input type="text" value="\$2,352,000"/>	\$0 More needs to be distributed.
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	m. <input type="text" value="\$5,151,150"/>	\$0 More needs to be distributed.
To support paperwork reduction activities, including expanding the use of technology in the IEP process.	n. <input type="text" value="\$0"/>	\$0 More needs to be distributed.
To improve the use of technology in the classroom by children with disabilities to enhance learning.	o. <input type="text" value="\$260,000"/>	\$0 More needs to be distributed.
To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.	p. <input type="text" value="\$500,000"/>	\$0 More needs to be distributed.
Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.	q. <input type="text" value="\$130,000"/>	\$0 More needs to be distributed.
Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.	r. <input type="text" value="\$233,362"/>	\$0 More needs to be distributed.
To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 111(b) and 6111 of the Elementary and Secondary Education Act of 1965.	s. <input type="text" value="\$3,634,423"/>	\$0 More needs to be distributed.
To provide technical assistance to schools and LEAs, and direct services, including supplemental educational services as defined in Section 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under Section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under Section 1111(b)(2)(G) of the Elementary and Secondary Education Act of 1965.	t. <input type="text" value="\$5,595,000"/>	\$0 More needs to be distributed.
The total of details for your Other State-Level Activities set-aside is		\$63,803,076 OK
You are almost done. If you are using money for a High Cost Fund. You must report how much you will use for each of the following two activities. You reported that you would use	u. <input type="text" value="\$0"/>	
To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund.		
To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C. 1411(e)(3)(B)(ii) (Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.)	v. <input type="text" value="\$0"/>	

Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i) - A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.

Subtotal, High Cost Fund

\$0

OK